

EXPEDITED PROCEDURE - EXAMINING GROUP 1641

S/N 09/077,572

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael A. Apicella et al.

Examiner: S. Devi

Serial No.: 09/077,572

Group Art Unit: 1641

Filed: October 13, 1998

Docket: 875.001US2

Title: NON-TOXIC MUTANTS OF PATHOGENIC GRAM-NEGATIVE BACTERIA

AMENDMENT & RESPONSE UNDER 37 C.F.R. § 1.116

Box AF

Assistant Commissioner for Patents

Washington, D.C. 20231

In response to the final Office Action mailed January 4, 2000, please amend the application as indicated below.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a three-month extension of the period for responding to the Office Action, thereby moving the deadline for response from April 4, 2000 to July 4, 2000.

In the Claims

Please cancel claims 30 and 31 without prejudice..

Please amend claims 22, 23 and 29 as follows. (For the Examiner's convenience, non-amended dependent claims 24-26 are also included).

22 (Amended) A method of making a mutant endotoxin comprising
mutating an *htrB* gene within a gram-negative bacterial pathogen to form an *htrB*
mutant pathogen, wherein the *htrB* gene encodes an endotoxin lacking one or more
secondary acyl chains of lipid A contained in [the] a wild type gram-negative bacterial
pathogen, and wherein the mutant endotoxin has substantially reduced toxicity when
compared to the endotoxin of the wild type gram-negative bacterial pathogen, and
purifying the mutant endotoxin from the *htrB* mutant pathogen.